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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 XEROX CORPORATION,

11 Plaintiff,

12 v.

13 QUALITY PRINTING, INC, et al.,

14 Defendants.
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Case No. 2:10-CV-00761-KJD-LRL

ORDER

16 Currently before the Court is Plaintiff's Motion for Summary Judgment and to Deem
17 Admissions Admitted (#63) filed November 16, 2010, against remaining Defendants Quality
18 Printing, Inc., and Leticia Castro. On November 17, 2010, the Court issued a Klinge Order (#66)
19 that notified the Defendants of the necessity of responding to Plaintiff's dispositive Motion, and
20 identified what Defendants must do to adequately oppose Plaintiff's Motion. Despite the Court's
21 warning, to date, Defendants have failed to file points and authorities in opposition to Plaintiff's
22 Motion as allowed by Local Rule 7-2. Local Rule 7-2(d) allows the Court to consider failure to file
23 points and authorities in opposition as consent to the granting of the motion.

24 Moreover, the Court has reviewed Plaintiff's Motion, and finds it to have merit. Specifically,
25 Plaintiff seeks that the Court deem admissions admitted pursuant to Fed. R. Civ. P. 36, and
26 resultantly grant summary judgment pursuant to Fed. R. Civ. P. 56. Plaintiff served Defendants with

1 requests for Production of Documents, and Requests for Admissions and Interrogatories on or about
2 July 29, 2010. (See #63 Ex. 7.) Defendants' responses were due on or before September 1, 2010.
3 Defendants, to date, have failed to serve Plaintiff with any responses. (See #63 at 5.) Pursuant to
4 Fed R. Civ. P. 36(a)(3), requests for production of documents and admissions are deemed admitted if
5 not responded or objected to within thirty (30) days after service. Plaintiff's instant Motion avers
6 that Plaintiff is entitled to summary judgment based upon Defendants' Rule 36 admissions.

7 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion for Summary Judgment
8 (#63) is **GRANTED** pursuant to Local Rule 7-2(d).

9 DATED this 2nd day of June 2011.

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14 Kent J. Dawson
15 United States District Judge
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